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Attorney for: Defendant Derek Malone

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEREK MALONE,

Defendant

No. CR 11-0657

**STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING STATUS
CONFERENCE**

The parties stipulate, and request that the court Order, the following:

1. This matter is currently set for a status conference on August 9, 2012 at 9:00 A.M. By this stipulation, the parties are jointly requesting that the hearing be moved to September 13, 2012 at 9:00 AM.

2. A continuance of this matter is necessary for the effective preparation of defense counsel. Discovery and investigation in this case is ongoing and additional time is necessary to complete the discovery process. In addition, counsel for Mr. Malone has

1 been unavailable in recent days due to family matters in southern California. The
2 government does not oppose Mr. Malone's request for a continuance of the status
3 conference.
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5 4. For the above reason, the parties jointly request that the status conference
6 hearing set for August 9 be vacated, and that the hearing be continued to September 13,
7 2012 at 9:00 AM, and that the time between August 8 and September 13, 2012 be
8 excluded from the speedy trial act for continuity and the effective preparation of counsel.
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11 Respectfully submitted,
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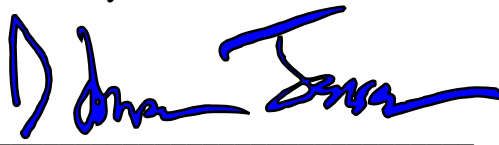
13 Dated: August 7, 2012

By: _____/s/_____
14 PETER A. LEEMING,
15 Attorney for DEREK MALONE
16
17

18 /s/ Grant Fondo,
19 Grant Fondo,
20 Assistant U.S. Attorney
21

22 IT IS SO ORDERED.

23 DATED: 10 AUG 2012
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Hon. D. Lowell Jensen
United States District Judge